

In re Patent Application of:

**LEVINE ET AL.**

Serial No. **09/656,393**

Filing Date: **9/6/00**

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**REMARKS**

Claims 1-49 remain in this application. Claims 1, 7, 9-12, 18-26, 32, 34-37, 42, 43 and 46 have been previously amended. No claims have been cancelled.

Applicants thank the Examiner for the detailed study of the application and prior art.

Applicants thank the Examiner for the suggestions for overcoming a deficiency in the previously filed Supplemental Declaration Under 37 CFR §1.131. The Examiner indicated that actual dates of acts relied on to establish diligence must be provided from a time prior to January 21, 1997 to reduction to practice of the claimed invention. According to the Examiner, the exhibits were not sufficient to account for the entire period during which diligence is required, i.e., a time prior to January 21, 1997, until the alleged actual reduction to practice in April 1999.

As noted, the Examiner stated that the exhibits do not sufficiently cover this over two-year period, wherein actual dates are required for the entire period. Applicants submit a Second Supplemental Declaration Under 37 CFR §1.131 and new Exhibits 3A, 3B, 3C, 3D, 3E, 3F, 3G and 3.

Starting on page 6 of the Second Supplemental Declaration, dates and detailed facts are set forth showing diligent work from prior to the effective date of Mahapatro to reduction to practice. Applicants refer the Examiner to paragraph 16 and the following paragraphs up to paragraph 30.

Also, during the preparation of the Declaration, when all the various documents were being analyzed, the inventors showed that a limited software code version was reduced to practice in October 1998 and, after further

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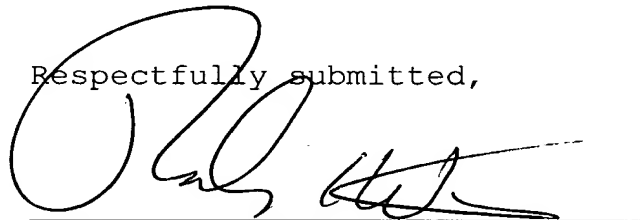
development, a full software code version was later reduced to practice in April 1999 under the sponsorship of the Technological Research and Development Authority (TRDA) of the State of Florida.

The exhibits and factual details with dates as set forth in this Second Supplemental Declaration show the sophisticated nature of the claimed invention and the diligent activities of the inventors up to a reduction to practice from a time prior to January 21, 1997, the effective date of Mahapatro.

Also, Applicants note that the cited Pareschi has a foreign application priority date, but the U.S. application priority date of November 14, 1997.

Applicants contend that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due. If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 25<sup>th</sup> day of July, 2005.

Julia Lalor